30.

54. A method of providing two way asymmetric network communication between a server and a plurality of remote devices for supporting server-client communication, each remote device running a layer protocol, the method comprising the steps of:

providing a shared medium,

providing the remote devices with associated interfaces for receiving high speed downstream information from the server over a downstream channel via the shared medium and for sending lower speed return information over a lower speed upstream channel via the shared medium,

controlling, at a network layer or link layer, at least one of switching and routing functions of both the downstream and upstream channels according to at least one of a request for assignment of a channel and a request to transfer information initiated by at least one of the server and one of the plurality of remote devices, and

in response to the controlling step, transferring at least one of high speed information from the server according to a high speed downstream protocol and lower speed information to the server according to a lower speed upstream protocol, such that the downstream and upstream protocols are transparent to the remote devices.

REMARKS

Claims 22 and 26-54 will be pending in this application after the Examiner enters the forgoing amendment.

In an Office Action dated February 6, 1998 in Parent Application Serial No. 08/700,988, the Examiner rejected claim 22 under the judicially created doctrine of obviousness-type double

patenting as being non-patentable over claims 1-61 of U.S. Patent No. 5,586,121. The Examiner also stated that a timely filed terminal disclaimer would overcome this ground of rejection. Although applicants have not evaluated whether the instant application would require such a terminal disclaimer, applicants have enclosed a terminal disclaimer directed to U.S. Patent No. 5,586,121.

In the Office Action dated February 6, 1998 in the Parent Application, the Examiner rejected claim 22 under 35 U.S.C. § 102 (e) as being anticipated by U.S. Patent 5,526,357 to Jandrell. Although applicants did not necessarily agree with that rejection, applicants cancelled claim 22 to allow the Parent Application to issue, and filed the instant continuation application to seek patent protection for some subject matter corresponding to cancelled claim 22.

Support for amended claim 22 and new claim 32 may be found, for example, in Figure 4 showing "Hybridware ™ client 73 [, which communicates] as transmitter along upstream channel 75 or as receiver along downstream channel 76." (page 17, line 20-22). More specifically, support for the recited "first plurality of packets" "including an internetwork header with the internetwork address associated with" the client may be found, for example, in the "DESTINATION ADDRESS" depicted in the TCP/IP protocol header of FIGURE 13, and the various packet exchanges shown in FIGUREs 12A, 12B, 12F, 14A, 18, 19, 20.

Support for the recited "second plurality of packets" "including an internetwork header with the internetwork address associated with" may be found, for example, in the "SOURCE ADDRESS" depicted in the TCP/IP protocol header of FIGURE 13, and the various packet exchanges shown in FIGUREs 12A, 12B, 12F, 14A, 18, 19, 20.

In claims 39, 48, 53, and 54 support for a "remote device" running a "layer protocol" may

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be found in the data terminal equipment or computer described on page 12, lines 19-23: "U.S. Pat. No. 5,347,304 (1994) assigned to Hybrid Networks, Inc., and describing an example of an RLA [remote link adapter] is hereby expressly referenced and incorporated herein in its entirety. An RLA may receive analog broadcast signals including encoded digital information which the RLA decodes and provides to a data terminal or computer."   U.S. Pat. No. 5,347,304, col. 3, lines 17-18, discloses, "the RLA presents the resulting digital signal to the data terminal equipment (DTE) interface" and col. 6, lines 57-60, disclose, "[e]rror recovery is achieved by the end-to-end transport layer protocol running in the data terminal equipment (DTE). A good example here is TCP/IP."

Support for "a switcher that switches channels transparently," in claims 39 and 48, and for the recitation that "the downstream and upstream protocols are transparent" may be found on page 22, lines 6-7: ". . . channel reassignments are done transparently to the user and the applications," and on U.S. Pat. No. 5,347,304, col. 5, lines 46-56: ". . . a link layer connection is established between the central site [data communications equipment] and the remote RLA. This connection remains transparent to the applications running above. The hybrid connection looks like a transparent remote Ethernet bridge and, therefore, is compatible with all upper layer protocols (e.g., TCP/IP, AppleTalk, ISO, DECNET, etc.) that can run over Ethernet. Once the connection is established, the remote user can now run standard network applications just as if the user were located at the central site local area network."

Applicants submit that the forgoing amendment places the application in better condition for examination. Applicants respectfully request that the forgoing amendment be entered before the examination of this application.

Please charge the Deposit Account No. 06-0115 $414.00 to cover 3 extra independent

claim ($234.00) and 10 extra total claims ($180.00). If there are any other fees required for entry

of this amendment, or for any other reason, please charge such fees to Deposit Account No. 06-

0115.

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Respectfully submitted,

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